

## REMARKS

### I Disposition of Claims

Claims 6-10 are currently pending. Claims 1-5 are canceled. Claim 6 has been amended. Support for the amended claim is found throughout the specification, for example, in the original claims and Figures 11, 12 and 40, and page 3 lines 11-17. No new matter has been added.

### II Non-Obviousness

The Examiner has rejected Claims 1, 3-6 and 8-10 under 35 U.S.C. § 103(a) as being unpatentable over Reilly et al (USPN 4,677,980) (hereinafter Reilly) in view of Fago et al (USPN 6,569,127), (hereinafter Fago), and has rejected Claims 2 and 7 as unpatentable over Reilly et al in view of Fago et al. and further in view of Rait (USPN 5,429,611) (hereinafter Rait). Claims 1-5 have been canceled, so the rejection of these claims is moot.

The rule according to MPEP 2143 is that to establish a *prima facie* case of obviousness the prior art reference (or references when combined) must teach or suggest all the claim limitations. As discussed in detail below, the claimed invention has several features not taught by the cited references individually or in combination. Thus, no *prima facie* showing of obviousness can be established by the cited references with regard to the presently pending claims.

Both Reilly and Fago disclose apparatuses for use with rod-less type syringe pistons. The current invention relates to a device for use with a more conventional long-rod syringe wherein the rod has a piston flange at the end of the rod and the rod of the syringe piston is of sufficient length that when the piston is fully pressed, the piston flange at the end portion of the piston is not inserted in the syringe barrel. The Examiner has asserted that the cylindrical hub (88) of Reilly could be considered a rod, but the hub does not have the length or piston flange recited in the presently pending claims. As explained in the specification on page 3, lines 4-17, the “general spread type” syringe of the claimed invention has an advantage in that suction of a solution can be performed manually, so that the injection apparatus need not be occupied.

Moreover, neither of the cited references discloses or even suggests a device in which “when the syringe piston is fully drawn from the syringe barrel, the syringe barrel and the syringe piston, coupled, are mounted on the cylinder holder such that the flange of the syringe barrel is inserted into the flange insertion groove from the direction parallel to the insertion groove” and

"when the syringe barrel is rotated to the use position after the insertion, the engagement of the positioning mechanism and the concave portion of the flange of the syringe barrel takes place."

Furthermore, the Office Action does not correctly characterize the Reilly reference. The Office Action states that the positioning mechanism (126) of Reilly is adapted to engage a concave portion (133) provided on the syringe barrel (18). In fact, the concave portion (133) is provided on a pressure jacket 16', see column 8, lines 55-66. The syringe barrel 18 is housed in the pressure jacket. What is seen outside on Figure 1 is the pressure jacket 16, not the syringe barrel. Thus, Reilly does not disclose a positioning mechanism adapted to engage a concave portion provided on the flange of the syringe barrel, as presently recited in the claims.

Regarding Claim 7, which is dependent on Claim 6, the Examiner asserts that Rait teaches the use of a coiled spring. Rait does not teach how to further modify the teachings of Reilly and Fago to include the limitations of claim 6 as discussed above. Therefore Claim 7 cannot be obvious over the combined teachings. Therefore, a case for *prima facie* obviousness has not been made and the rejection of the pending claims should be withdrawn.


### CONCLUSION

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of all outstanding rejections are respectfully requested. Allowance of the claims at an early date is solicited. If any points remain that can be resolved by telephone, the Examiner is invited to contact the undersigned at the below-given telephone number.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 5-15-2006

By:   
Eric Ives  
Registration No. 50,928  
Agent of Record  
Customer No. 20,995  
(805) 547-5580